

1 THE PHILADELPHIA MUNICIPAL COURT

2 1339 CHESTNUT STREET

3 PHILADELPHIA, PENNSYLVANIA

4 - - -

5
6 JUST PRINT IT, INC. :

7 Plaintiff, :

8 VS. :

9 STRATASYS, INC. :

10 Defendant. :

11
12 CLAIM# SC-17-02-24-6077

13 TRANSCRIPT OF PROCEEDINGS

14 JUNE 19, 2017

15 - - -

16 COURTROOM 6

17 1339 CHESNUT STREET

18 PHILADELPHIA, PENNSYLVANIA

19
20 - - -

21
22
23
24
25 BEFORE: THE HONORABLE MARVIN WILLIAMS, SR., J.

1
1APPEARANCES:

2

3**COREN JAY WISE, ESQUIRE**

4Counsel for the Plaintiff

5

6**VANESSA M. SNYDER, ESQUIRE**

7Counsel for the Defendant

8

9

10

11

12

13

14 PRESENT:

15 RYAN SIMMS

16 GREGORY PELISH (Phonetic)

17

18

19

20

21

22

23

24

25

1
1

2

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

WITNESS

DR CR RDR RCR

1
1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

EXHIBITS

NO.	DESCRIPTION	ID	EVD
P-A	ARTICLE	17	

1

1

- - - - -

2

P R O C E E D I N G S

3

- - - - -

4

(Hearing began 10:55 a.m.)

5

6

COURT CRIER: Your Honor, case number
three, I have two attorneys, in the matter of
Just Print It, Inc.

8

9

On that side please, versus STRATASYS
Inc., on this side.

10

11

All parties testifying in this case come
forward to be sworn.

12

(All parties duly sworn and/or affirm.)

13

Plaintiff, your name?

14

15

MR. SIMMS: I am Ryan Simms,
representing my company, Just Print It, also
known as Just 3D Print.

17

THE COURT: Your name is what, sir?

18

MR. SIMMS: My name?

19

THE COURT: Yes.

20

MR. SIMMS: Ryan Simms.

21

THE COURT: Ryan?

22

MR. SIMMS: Yes, Ryan with an R.

23

THE COURT: Simms?

24

MR. SIMMS: Yes, Simms with two M's.

25

THE COURT: You are counsel for the

1
1 company?

2 COURT CRIER: No, he is the Plaintiff.

3 MR. SIMMS: I am an executive of the
4 company.

5 COURT CRIER: This is his witness, I
6 believe?

7 MR. PELISH: Yes.

8 COURT CRIER: Your name, please.

9 MR. PELISH: Gregory Pelish.

10 COURT CRIER: Counsel for Plaintiff,
11 your name?

12 MR. WISE: Coren Wise.

13 COURT CRIER: Defense Counsel?

14 MS. SNYDER: Vanessa Snyder.

15 COURT CRIER: Thank you. All parties
16 may be seated.

17 THE COURT: Counsel, what is your name
18 again?

19 MR. WISE: Coren Wise, Wise.

20 THE COURT: Okay, I got that.

21 MR. WISE: Thank you.

22 THE COURT: Your name, ma'am? Vanessa
23 Snyder?

24 MS. SNYDER: Snyder.

25 THE COURT: Where are your parties,

1
1 ma'am?

2 MS. SNYDER: I represent a company.

3 THE COURT: Yeah, but where are the
4 parties?

5 MS. SNYDER: I have a motion to quash
6 notice to appear, an application to quash
7 notice to appear, and also an application to
8 dismiss this suit in its entirety.

9 THE COURT: What is the basis of that?

10 MS. SNYDER: The application for the
11 motion to quash?

12 THE COURT: Yes.

13 MS. SNYDER: They have notice of an
14 individual, Oliver Smith, he is in the United
15 Kingdom and he is also not an employee --

16 THE COURT: Wait, first of all, let me
17 take it back then. Who is this against?
18 What is your position there, sir?

19 MR. SIMMS: I am the Chief Executive
20 Officer --

21 THE COURT: CEO?

22 MR. SIMMS: Yep, of Just Print It.

23 THE COURT: It's yes, right, not yep,
24 right?

25 MR. SIMMS: Yes.

1
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Mr. Pelish, what is your
position here?

MR. PELISH: I am a CPA, I was asked to
--

THE COURT: CPA?

MR. PELISH: Yes.

THE COURT: What firm?

MR. PELISH: CGM Accounting Associates.

THE COURT: But you are CPA, correct?

MR. PELISH: Yes.

THE COURT: PricewaterhouseCoopers here,
that's my former life. I am a CPA as well.

MR. PELISH: Okay.

THE COURT: All right. So, let me see
what's going on here.

MR. WISE: Yes, your Honor. My client
Ryan Simms, he runs a company called Just
Print It, Just 3D Print, and the case is
against Stratasys Inc.

THE COURT: Okay.

MR. WISE: Mr. Simms and his business
was in the business of providing services, 3-
D printing services. I don't know if your
Honor is aware of 3-D printing?

THE COURT: Yes. I am aware of it.

1

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. WISE: So, it's a company that

offers these services to folks who can

request printing of objects, three-

dimensional objects.

They advertise these services with

public domain items --

THE COURT: First of all, I appreciate

that, but now I want to find out, this is

Stratasys Inc.?

MR. WISE: Stratasys Inc. printed an

article -- or two articles, that essentially

destroyed their three-dimensional printing

business by stating that they were in

violation --

THE COURT: An article?

MR. WISE: An online news article

written by Mr. Smith, whose name you heard.

THE COURT: All I have is Stratasys Inc.

MR. WISE: Stratasys Inc. runs a

website, they print --

THE COURT: What is this gentleman's

name?

MR. WISE: The author was Oliver Smith.

THE COURT: Oliver Smith, he wrote an

article?

1
1 MR. WISE: Yes, and they published it
2 online February 26, 2016.

3 THE COURT: An article that --

4 MR. WISE: In that article they
5 essentially acted as judge, jury, and
6 executioner on an issue in the community, in
7 the online community.

8 The Just 3D Print company was
9 advertising their services with objects that
10 were available in the public domain.

11 This article essentially called that
12 practice copyright infringement, and actively
13 encouraged online readers to contact EBay and
14 complain about this practice.

15 So, they had a link in their article
16 saying, complain about this, complain about
17 this, and many people contacted EBay --

18 THE COURT: So, Oliver Smith is just a
19 person out there?

20 MR. WISE: He is a person out there that
21 they hired to write an article, but Stratasys
22 --

23 THE COURT: Who is they?

24 MR. WISE: Stratasys.

25 THE COURT: See, this is the problem I

1 have right here, this is why I like to go
2 through it first. Where is your client?
3 Because I will have questions for your
4 client. This is why I did this.

5 MS. SNYDER: Well, we have a -- so the
6 preliminary issue and those are great
7 questions, in terms --

8 THE COURT: No, no, no, those are
9 questions I want to know. Where is your
10 client?

11 MS. SNYDER: Oliver Smith is not an
12 employee of Stratasys. He is an employee of
13 a company called, Object UK, that is located
14 in the United Kingdom.

15 So, Mr. Smith is outside of the
16 jurisdiction of this Court and he is also
17 outside of my jurisdiction as the attorney
18 for Stratasys.

19 THE COURT: So, what you would have to
20 do is find out where this person is and how
21 --

22 MR. WISE: We don't need that person.

23 THE COURT: Well, how does this work?

24 MS. SNYDER: How do you authenticate the
25 article?

1
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WISE: We did issue a notice to
attend for Mr. Smith. He is the author,
however --

THE COURT: Where does he live?

MR. WISE: He lives in the UK, I am
told. I don't know, but Stratasys Inc. is
the Defendant. The party is Stratasys, Mr.
Smith is not a party.

THE COURT: How does the Court know that
Stratasys Inc. -- what jurisdiction does this
Court have over a Wilmington Delaware
company?

MR. WISE: They printed articles that
were read by everyone everywhere, I assume.

THE COURT: See, you have got to touch
upon that. You have got to talk about the
jurisdiction first.

MR. WISE: Sure.

THE COURT: How does this Court obtain
jurisdiction -- it could be Wilmington
Delaware, it could be Canada, it could be
anywhere, it could be any state.
So, how does this Court have jurisdiction
over that?

MR. WISE: Their materials, their wares

1 were entered into the stream of commerce in
1 Pennsylvania. Their conduct of business made
2 them subject to the jurisdiction of
3 Pennsylvania.
4

5 THE COURT: So, suppose this company was
6 Russia, somebody in Russia, you're saying
7 that anybody in Russia -- that this Court
8 would have jurisdiction over them as well?

9 MR. WISE: If they did business in
10 Pennsylvania, of course.

11 THE COURT: So, you are saying Stratasys
12 does business in Pennsylvania?

13 MR. WISE: Yes.

14 THE COURT: How do you know that?

15 MR. WISE: Because there were readers in
16 Pennsylvania.

17 THE COURT: No, no, no, I am talking
18 about doing business. How does the Court
19 know --

20 MR. SIMMS: If you would like I can
21 testify to that.

22 THE COURT: Go ahead.

23 MR. SIMMS: I have purchased numerous
24 products actually from Defendant, so, they
25 have offices and personnel and they also sell

1
1 products.

2 THE COURT: So, you have to prove that.
3 You just can't say it. You have to prove it
4 then.

5 MR. SIMMS: Well, right now I could go
6 online to their website and anyone anywhere
7 in the United State and purchase a good, and
8 they would ship it to me in my state.

9 Also, the news publications they put out
10 online, numerous people in the State of
11 Pennsylvania saw those publications.

12 MR. WISE: And as a witness, he can
13 testify to this and since there is no one to
14 controvert it, that would be uncontroverted
15 testimony.

16 THE COURT: So, we have a gentleman in
17 the UK, England, that wrote an article about
18 your company -- go ahead, sir.

19 MR. WISE: I would just amend that, he
20 was hired by Stratasys to write an article,
21 their article was written.

22 MS. SNYDER: There is no proof of that.

23 THE COURT: Okay, well that's -- I need
24 to see that.

25 MR. WISE: The article? This is the

1
1 Judges copies of exhibits.

2 THE COURT: Before the article --

3 MS. SNYDER: And I have never received
4 this until right this second. I don't know
5 what this is.

6 THE COURT: You just received it?

7 MS. SNYDER: This binder, I was never
8 served with this.

9 MR. WISE: All of the exhibits are
10 attached. The article --

11 MS. SNYDER: It's like, one hundred
12 pages.

13 MR. WISE: The article we are referring
14 to is attached in her brief.

15 THE COURT: No, she has to -- I always
16 say I want to see a person's face, but
17 Counsel has to be given things to defend
18 before you come to court.

19 So, I want an answer to that first.

20 MR. WISE: At this moment, your Honor,
21 we are speaking about an article, which they
22 have received and attached in their
23 pleadings.

24 MS. SNYDER: The article actually was
25 not attached to the complaint. I provided a

1
1 copy in my motion.

2 THE COURT: So, what I need to do is see
3 proof that Stratasys hired Oliver Smith to
4 write an article about 3D printing. Do you
5 have that?

6 MR. WISE: Yes. This is the article
7 that appeared online, your Honor --

8 THE COURT: No, no, no, stop. You have
9 to dissect this. I want to see anything,
10 since you're Plaintiff, you are the Plaintiff
11 here, that shows that you have proof that
12 Stratasys hired this gentleman to write an
13 article about 3D printing that harms your
14 company.

15 MR. SIMMS: If you would like, your
16 Honor, I can actually provide -- on
17 Defendant's website they list Oliver Smith
18 --

19 THE COURT: I just want to see something
20 paper, show me --

21 MR. WISE: Yeah, your Honor, this will
22 answer that question.

23 THE COURT: That's going to do what I
24 said, that they hired him?

25 MR. WISE: Yes.

1 THE COURT: All right. I will take a
2 look.

3 MR. SIMMS: It's published on their
4 website.

5 THE COURT: That they hired him?

6 MR. WISE: This is their article on the
7 bottom it says, Stratasy Inc., and his bio.

8 THE COURT: That they hired him?

9 MR. WISE: Your Honor, I don't know what
10 the arrangement is with their authors. She
11 is --

12 THE COURT: Counsel, do you know what
13 they are talking about?

14 MS. SNYDER: What?

15 THE COURT: Do you know what they are
16 talking about?

17 MR. WISE: The original question was,
18 where is the Defendant?

19 She said, well we are quashing Oliver
20 Smith. Oliver Smith is the author of an
21 article. We happen to have issued a notice
22 to attend of that gentleman, but he is not
23 the Defendant. Stratasy is the Defendant.
24 The article that's being handed up, that we
25 should mark as Plaintiff's A, is an article

1 printed and on the last page on the bottom

2 you will see Stratasys Inc. is --

3 THE COURT: All I want to know is what I
4 asked. I don't need to know about the --

5 MR. SIMMS: If you would like, your
6 Honor, I also have on their website, they
7 list him as one of their employees in their
8 expert services team.

9 THE COURT: Is that right?

10 MS. SNYDER: He is not an employee of
11 Stratasys Inc., which is who is named in this
12 lawsuit. He is an employee of Object UK, and
13 he is part of an expert consultant business
14 unit and that's what that means on the
15 website.

16 THE COURT: How is it -- is it attached
17 to Stratasys?

18 MR. SIMMS: It says Stratasys expert
19 services.

20 THE COURT: Does it? You show it --

21 MS. SNYDER: I am aware, I have seen the
22 website before.

23 THE COURT: Well, you need to take a
24 look at this.

25 MS. SNYDER: I know what he is talking

1 about, and I am answering the question.

2 THE COURT: So, what is he talking
3 about?

4 MS. SNYDER: I'm -- this is --

5 THE COURT: See, normally, I would have
6 ruled against you because you don't have your
7 client here, but this is kind of a unique
8 case. I don't like it when another party
9 doesn't show up.

10 So, what is he talking about? What
11 contacts does this Oliver Smith have with
12 Stratasys?

13 MS. SNYDER: His article was on a
14 Stratasys website.

15 THE COURT: Why?

16 MS. SNYDER: Because it is about
17 material, about the 3D printing world.

18 THE COURT: What is your relationship
19 with this gentleman? What is Staratasys'
20 relationship with Oliver Smith? Is there a
21 relationship?

22 MS. SNYDER: No legal relationship.

23 THE COURT: No what?

24 MS. SNYDER: No legal relationship. He
25 is not an employee --

1

1

THE COURT: No, don't start being cute
with me, legal relationship?

2

3

MS. SNYDER: I'm not trying to be cute,
your Honor. He is not an employee of ours.

4

5

THE COURT: Then how does his
information get onto the website? He just
sends it in? Anybody can send anything in,
or what? Is it a form, or what?

7

8

9

MS. SNYDER: The answer is, no, not
anyone can send anything in --

10

11

THE COURT: I suggest you find out. Let
me see this, I normally don't look at
computers while we are up here, but --

12

13

14

MR. SIMMS: I would appreciate some
assistance.

15

16

So, do you want me to bring it up?

17

18

THE COURT: No. I hope it's light
enough that I can see it and it's not dark.
Show it to Counsel first.

19

20

MR. SIMMS: This is Defendant's website.

21

MS. SNYDER: Let me see.

22

THE COURT: When you say Defendant, who
is the Defendant here?

23

24

MR. SIMMS: Stratasys Incorporated.

25

THE COURT: That's their website, okay.

1 21
1 You have to spell everything out here and you
2 have to answer yes or no.
3 MR. SIMMS: Yes, I'm sorry.
4 THE COURT: Take your time. I want to
5 see what relationship there is.
6 MS. SNYDER: So, this is the Stratasys
7 expert services consulting, it looks like,
8 which is a business unit.
9 MR. SIMMS: Of Stratasys Inc.
10 MR. WISE: Let me page it back to where
11 --
12 MS. SNYDER: Sorry, I didn't mean to do
13 that on purpose.
14 THE COURT: So, Stratasys, has this
15 gentleman -- is it a forum, just for anyone
16 to give opinions or what?
17 MS. SNYDER: Stratasys is a manufacturer
18 of 3D printers. So --
19 THE COURT: So, Stratasys, they are
20 competitors then?
21 MR. WISE: Yes, your Honor.
22 THE COURT: Stratasys is a 3D printing
23 service?
24 MS. SNYDER: Manufacturer.
25 THE COURT: Manufacturer.

1

1

MS. SNYDER: They make the actual

2

printers.

3

MR. SIMMS: They also have a service,

4

your Honor.

5

THE COURT: So, this is 3D -- is the

6

name of the company 3D Printing?

7

MR. SIMMS: Yeah, Just 3D Printing.

8

THE COURT: Okay, that's what I needed.

9

Are they competitors? Can they be viewed as

10

competitors?

11

MR. WISE: Yes, your Honor.

12

THE COURT: You are shaking your head

13

no. Yes or no?

14

MS. SNYDER: Stratasys and Just Print

15

It?

16

MR. SIMMS: Stratasys Direct does One

17

hundred and sixty million dollars a year of

18

3D printing services.

19

THE COURT: No, I want Counsel to

20

answer.

21

See, this is what happens if you had

22

your client. You are put in the hot seat,

23

you don't know. I'm trying to give you a

24

chance.

25

MS. SNYDER: I don't know how to answer

1
1 that as a legal question.

2 THE COURT: Stop. See this is a problem
3 when -- normally I would --

4 MS. SNYDER: We do not deny that this is
5 printed on the --

6 THE COURT: Stop. I didn't ask you a
7 question, Counsel. Now I am going to get to
8 Court now. I was trying to give you a chance
9 because this was kind of weird. This is why
10 a lawyer always brings their client, because
11 the client has to answer the questions.

12 See, right now you are forced to try and
13 answer questions that you don't know. It is
14 not your fault, but you didn't bring anybody
15 with you.

16 MS. SNYDER: Who would we bring to
17 defend this --

18 THE COURT: Well, see, the questions I
19 want to know is, the relationship --

20 MS. SNYDER: So, there is -- so, this is
21 --

22 THE COURT: You need to be quiet now, I
23 am talking. The questions I have been
24 asking, somebody should be sitting there and
25 say we don't know these folks, we don't know

1 what they are talking about. It might have
1 been done, but you have a lawyer sitting
2 there. You can't answer the questions. You
3 can't, you are the lawyer, you can't be the
4 person too. You can't be the Defendant.
5

6 MS. SNYDER: Oliver Smith is in the
7 United Kingdom --

8 THE COURT: See, no, stop.

9 MS. Snyder: -- and then the second
10 article is not --

11 THE COURT: No, that hasn't been proven
12 yet.

13 MS. SNYDER: All right.

14 THE COURT: You thought you were going
15 to come in and just file a motion to quash.

16 MS. SNYDER: Oh no, I am prepared to
17 fully argue this case.

18 THE COURT: No, you can't.

19 MS. SNYDER: Absolutely.

20 THE COURT: No, I will --

21 MS. SNYDER: Yes, I can.

22 THE COURT: What did you just say?

23 MS. SNYDER: Okay.

24 THE COURT: I want to ask Stratasys a
25 question, someone from that company a

1 question. You can't do that since you are
2 not an employee or the CEO, right?

3 MS. SNYDER: Correct. I am not an
4 employee or the CEO, I am their attorney.

5 THE COURT: That's the problem. That's
6 the problem. Don't just come in to file
7 motions. I have too many questions. What's
8 the relationship, and you can't answer that.
9 You cannot answer questions like that because
10 you are the attorney. All due respect, you
11 can't answer that. You just can't come and
12 put in a motion, because I want to get under
13 the motion. Just take a look at this, now
14 when it says -- I am going to read this into
15 the record. This is on Stratasys' website.

16 (Reading)

17 Oliver Smith, consultant, Stratasys
18 Strategic Consulting, with a degree in model
19 making from the Arts University, and a
20 passion for the intersection between 3D
21 printing and retail, Oliver Smith brings a
22 brilliant, creative and entrepreneurial
23 prospective to our team.

24 (Ends reading)

25 To our team at Stratasys, interesting.

1
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Continues reading)

He leads product innovation and retail activities on an extensive design experience in deep retail-industry knowledge.

His innovative and ingenuity are well grounded in economics technological constraints and consumer expectations.

(Ends Reading)

This is on Stratasys' website. He is part of their team.

MS. SNYDER: Your Honor, I can tell you that Oliver Smith --

THE COURT: You can't tell me that your counsel --

MS. SNYDER: This is the current website this happened --

THE COURT: You need to be quiet when I am talking. This is not a forum. This is not mediation. Judgment for Plaintiff.

MR. WISE: Thank you, your Honor.

MR. SIMMS: Thank you.

MS. SNYDER: On the defamation claim or on the motion to quash?

THE COURT: There is no motion.

MS. SNYDER: Okay.

1

1

THE COURT: I am not even going to entertain your motion.

2

3

MS. SNYDER: So, on the defamation claim you are going to grant their defamation claim?

4

5

6

THE COURT: This is for --

7

MS. SNYDER: They brought a defamation claim.

8

9

THE COURT: -- loss of contract that was worth -- you didn't bring anyone --

10

11

MS. SNYDER: No, they brought a defamation claim, and they don't have --

12

13

THE COURT: Ma'am, where is your client?

14

MS. SNYDER: Your Honor, they haven't

15

--

16

THE COURT: Where is your client?

17

MS. SNYDER: They haven't submitted any

18

--

19

THE COURT: Where is your client?

20

MS. SNYDER: Where is the defamation

21

article?

22

THE COURT: Done. We are done here.

23

MS. SNYDER: That is unbelievable.

24

MR. WISE: Thank you, your Honor.

25

MS. SNYDER: You didn't attach the

1 articles to the defamation --

2 THE COURT: Bring your client next time.

3 MS. SNYDER: Which client? We will be
4 appealing that.

5 MR. WISE: Thank you, your Honor.

6 MR. SIMMS: Thank you.

7
8
9 (Hearing concluded at 11:14 a.m.)
10
11
12
13
14
15

16 CERTIFICATION
17
18

19 I, CAMILLE DONATO-LECLAIR, Registered
20 Professional Reporter, the assigned court
21 transcriber, do hereby certify that the
22 foregoing transcript of proceedings before
23 the Commonwealth of Pennsylvania is prepared
24 in full compliance with the current
25 transcript format for the Judicial

1
1 Proceedings and is a true and accurate
2 transcript of the proceedings as recorded.

3

4

5 **Camille Donato-LeClair, RPR**

6 Camille Donato-LeClair, RPR

7 Camelion Group, Ltd./Dig-e-Script

8

9

10

11

12

13

14

15